

HEATHER E. WILLIAMS, Bar #122664
Federal Defender
HANNAH R. LABAREE, Bar #294338
Assistant Federal Defender
Counsel Designated for Service
801 I Street, 3rd Floor
Sacramento, California 95814
Telephone: (916) 498-5700

Attorneys for Defendant
ANTELMO ONTIVERAS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTELMO ONTIVERAS,

Defendant.

No. Cr. S 02-418 GEB

**STIPULATED MOTION AND ORDER TO
REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO
REDUCTION CASE

Judge: Honorable GARLAND E. BURRELL

Defendant, ANTELMO ONTIVERAS, by and through his attorney, Assistant Federal Defender Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On May 14, 2004, this Court sentenced Mr. Ontiveras to a term of 188 months imprisonment;

3. His total offense level was 36, his criminal history category was I, and the resulting guideline range was 188 to 235 months;

1 4. The sentencing range applicable to Mr. Ontiveras was subsequently lowered by
2 the United States Sentencing Commission in Amendment 782, made retroactive on July 18,
3 2014, see 79 Fed. Reg. 44,973;

4 5. Mr. Ontiveras' total offense level has been reduced from 36 to 34, and his
5 amended guideline range is 151 to 188 months; and,

6 6. Accordingly, the parties request the Court enter the order lodged herewith
7 reducing Mr. Ontiveras' term of imprisonment to a total term of 151 months.

8 Respectfully submitted,

9 Dated: September 16, 2015

Dated: September 16, 2015

10 BENJAMIN B. WAGNER
11 United States Attorney

HEATHER E. WILLIAMS
Federal Defender

12 /s/ Jason Hitt

JASON HITT

13 Assistant U.S. Attorney

12 /s/ Hannah R. Labaree

HANNAH R. LABAREE

Assistant Federal Defender

14 Attorney for Plaintiff
15 UNITED STATES OF AMERICA

Attorney for Defendant
ANTELMO ONTIVERAS

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

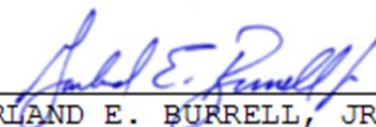
The parties agree, and the Court finds, that Mr. Ontiveras is entitled to the benefit Amendment 782, which reduces the total offense level from 36 to 34, resulting in an amended guideline range of 151 to 188 months.

IT IS HEREBY ORDERED that the term of imprisonment imposed in May 2004 is reduced to a term of 151 months.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Ontiveras shall report to the United States Probation Office within seventy-two hours after his release.

Dated: September 18, 2015



GARLAND E. BURRELL, JR.
Senior United States District Judge